

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 24-14021-CR-MIDDLEBROOKS/VITUNAC

UNITED STATES OF AMERICA,

v.

BRENDA SUE BOAZ,

Defendant.

REPORT AND RECOMMENDATION ON CHANGE OF PLEA

THIS CAUSE comes before me upon an Order of Reference. DE 21. Having conducted a Change of Plea Hearing, I recommend to the District Court as follows:

1. I convened a hearing to permit the Defendant to change her plea in this criminal case on September 4, 2024.

2. I advised the Defendant of her right to have the District Judge assigned to this case conduct this proceeding. I advised that I was conducting the Change of Plea Hearing at the request of the Defendant, the Defendant's attorney, and the Assistant United States Attorney assigned to this case. I advised that the District Judge assigned to this case will be the sentencing judge, will make all findings and rulings concerning the Defendant's sentence, and will schedule and conduct the Sentencing Hearing. I advised the Defendant that she did not have to permit me to conduct this hearing but could request a United States District Judge to conduct the Change of Plea Hearing instead. The Defendant, the Defendant's attorney, and the Assistant United States Attorney assigned to the case all agreed on the record and consented to have a United States Magistrate Judge conduct the Change of Plea Hearing.

3. I conducted the plea colloquy in accordance with the outline set forth in the Bench Book for District Judges.

4. There is a written Plea Agreement which has been entered into by the parties in this case. DE 24. I reviewed the Plea Agreement on the record and had the Defendant acknowledge that she understood and signed the Plea Agreement. The Defendant pleaded guilty to **Count 1** of the Indictment which charges her with conspiracy to transport and harbor aliens for profit, in violation of 8 U.S.C. § 1324(a)(1)(A)(v)(I); and **Count 2** of the Indictment which charges her with transporting and harboring aliens for profit, in violation of 8 U.S.C. § 1324(a)(1)(A)(ii).

5. I reviewed with the Defendant the maximum penalties applicable to Count 1 and Count 2. The Defendant acknowledged that she understood the penalties that could be imposed in her case.

6. The parties submitted a written Factual Proffer, which was signed by counsel for the Government, counsel for the Defendant, and the Defendant. The Factual Proffer was read into the record and has been filed in this case. DE 25. The Defendant acknowledged that she signed the Factual Proffer, understands it, and has had the opportunity to fully discuss it with her attorney. The Defendant agreed that the Factual Proffer accurately sets forth the facts in her case as she understands them to be. I find that the Factual Proffer sets forth a sufficient basis to prove each of the essential elements of the crimes to which the Defendant is pleading guilty.

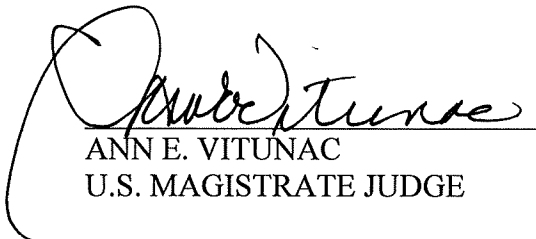
7. Based on the foregoing and the plea colloquy that I conducted, I find that the Defendant enters her plea of guilty to Count 1 and Count 2 freely and voluntarily. I accept her guilty plea and recommend to the District Court that it adjudicate her guilty of Count 1 and Count 2 as charged in the Indictment.

8. The United States Probation Office will conduct a pre-sentence investigation and will issue a report for sentencing purposes.

ACCORDINGLY, I recommend to the District Court that the Defendant's plea of guilty to Count 1 and Count 2 of the Indictment be accepted; that the Defendant be adjudicated guilty of the offenses to which she pleads guilty; and that a sentencing hearing be conducted for final disposition of this case.

The parties shall have fourteen (14) days from the date of this Report and Recommendation within which to file objections, if any, with the Honorable Donald M. Middlebrooks, United States District Judge for the Southern District of Florida. Pursuant to Federal Rule of Criminal Procedure 59(b)(2), failure to file a timely objection to this Report and Recommendation waives the party's right to review, and it bars the party from attacking on appeal any legal rulings or fact findings contained herein.

DONE AND RECOMMENDED in Chambers at Fort Pierce, Florida, this 24 day of October, 2024.


ANN E. VITUNAC
U.S. MAGISTRATE JUDGE